

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re PARNELL COLVIN

) Case No. 13-33280-TMB7  
)  
) NOTICE OF HEARING ON MOTION  
) FOR RELIEF FROM DEBTOR'S  
) AUTOMATIC STAY IN A CHAPTER  
) 7/13 CASE, AND/OR CODEBTOR'S  
) STAY IN A CHAPTER 13 CASE

Debtor(s)

The attached Response, filed for the respondent, PARNELL COLVIN, who is the (debtor, trustee, etc.) DEBTOR, is in response to the Motion for Relief from Stay filed on behalf of (moving party) \_\_\_\_\_.

The name and service address of the respondent's attorney (or respondent, if no attorney) are: PARNELL COLVIN  
20325 SW Appy Ct, Beaverton, OREGON 97007

(If debtor is respondent) The debtor's address and Taxpayer ID#(s) (last 4 digits) are: 0590  
20325 SW Appy Ct, Beaverton, OREGON 97007

**NOTICE IS GIVEN THAT:**

1. A "MEET-ME" style **TELEPHONE HEARING** on the motion will be **HELD AT** 1:30 PM ON 6/18/2013. **NO TESTIMONY** will be taken at the hearing.
2. **NO LATER THAN THE HEARING TIME SHOWN ABOVE, ALL** parties are **REQUIRED TO CALL IN AND CONNECT** to the "MEET-ME" telephone hearing line at **503-326-6337**. When connected, **ENTER** the 3-digit **ID No. "777"** followed by the **"#"** key. [NOTES: (a) Do NOT call more than 5 minutes before this hearing, AND (b) If you have problems connecting, call the court at 503-326-1510 for a PORTLAND office case OR 541-431-4005 for a EUGENE office case.]
3. Participants **MUST COMPLY WITH EACH REQUIREMENT** listed below:
  - a. **YOU MUST, NO LATER THAN the time set above, EITHER call the "MEET-ME" line using the instructions above for THIS hearing date, or personally appear in the judge's courtroom.** The court will **NOT** call the parties.
  - b. **DO NOT USE** a **SPEAKER PHONE, CELL PHONE OR HEADSET!** You may be asked to call from another telephone if your phone causes static or has excessive background noise, etc., or the signal is weak or drops.
  - c. You must take all necessary steps to **ELIMINATE BACKGROUND NOISE**, such as shutting the door, turning off music, not putting the court on hold if it will result in music or other noise, not talking to third parties, using a "Do Not Disturb" button so the telephone/intercom will not ring, positioning the telephone to minimize paper rustling, and keeping all nonparticipants in the room quiet.
  - d. **DO NOT** introduce yourself until the court calls your specific hearing. Simply stay on the line, even if there is only silence, until the judge appears, and then continue to listen quietly until your hearing is called.
  - e. Whenever speaking, you must first identify yourself.
  - f. **DO NOT** be late. The judge will handle late calls the same as (s)he would a late appearance in court. If the case has already been called, the judge will likely decline to revisit any decision that was made when the case was called. Failure of the movant/plaintiff to appear at the scheduled time may result in denial of the relief requested, and failure of the respondent/defendant may result in the court granting the relief requested.

  
Signature

I certify that: (1) the RESPONSE WAS PREPARED USING a copy of the ORIGINAL Motion; (2) if the Response was electronically filed, the RESPONSE WAS PREPARED USING the "FILLABLE" PDF version of the ORIGINAL Motion unless the Motion was BOTH filed on paper AND it could NOT be otherwise electronically obtained from the movant; AND (3) that on 6/11/13 copies of BOTH: (a) this Notice, AND (b) the Response were served on the moving party's attorney (or moving party, if no attorney) at the address shown in the Notice of Motion, Trustee, and U.S. Trustee.

721 (12/1/09)

  
Signature & Relation to Respondent

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

Parnell Colvin

) Case No. 13-33280-tmb7  
)  
) (CHECK ALL APPLICABLE BOXES)  
) ☒ Ch. 7/13 Motion for Relief from  
) ☒ DEBTOR ☐ Chapter 13 CODEBTOR Stay  
) Filed by Creditor:  
) Peter Hoffman  
) ☐ Response to Stay Motion filed by Respondent:  
) \_\_\_\_\_

Debtor(s)

1. **Debt, Default, Other Encumbrances, Description and Value of Collateral** (To be completed by creditor)

a. Description of collateral (car model, year, VIN, property address):

Residential home located at 20325 SW Appy Ct., Beaverton, Oregon 97007

b. Amount of debt: \$ 1,270.00 consisting of principal: \$ 1,270.00; interest: \$ \_\_\_\_\_; other:

c. Description, amount and priority of other encumbrances on collateral. If not known, include applicable information from debtor's schedules if available on PACER:

none

Total debt secured by collateral (total 1.b. + 1.c.): \$ 1,270.00.

d. Value of collateral: \$ none.

Equity in collateral: \$ \_\_\_\_\_, after deducting \$ \_\_\_\_\_ liquidation costs.

e. Current monthly payment: \$ \_\_\_\_\_.

f. If Chapter 13:

(1) \$ \_\_\_\_\_ postpetition default consisting of (e.g., \$ \_\_\_\_\_ payments, \$ \_\_\_\_\_ late charges, \$ \_\_\_\_\_ fees):

(2) \$ \_\_\_\_\_ prepetition default consisting of ☐ amounts specified in proof of claim, or, ☐ consisting of:

g. If Chapter 7, total amount of default \$ \_\_\_\_\_.

**RESPONSE** (Identify specific items disputed and specify what you contend are the pertinent facts including why there is a postpetition default, if applicable) (to be completed by respondent):

Please attachment for response. For number 1, number 2 and number 3. MR. COLVIN, is not knowing what the debt of \$1,270.00 is for.

2. **Relief from stay should be granted because (check all that apply):** *(To be completed by creditor)*

- ☐ Lack of adequate protection because of failure to make sufficient adequate protection payments and lack of a sufficient equity cushion.
- ☐ Lack of insurance on collateral.
- ☒ No equity in the collateral and the property is not necessary for an effective reorganization.
- ☐ Failure of debtor to make Chapter 13 plan payments.
- ☐ Failure of debtor to make payments to secured creditor required by ¶4 of Chapter 13 plan.
- ☒ Other (describe):

Creditor seeking possession only and no monetary recovery from debtor. Tenant failed to pay May, 2013 rent, late fees and landscaping fees. No value to estate.

**RESPONSE** *(Specify why relief from stay should be denied. If respondent proposes to cure a postpetition default, detail the cure by attaching a proposed order using Local Form (LBF) #720.90 available at [www.orb.uscourts.gov](http://www.orb.uscourts.gov) under Rules & Forms/Local Bankruptcy Forms (LBF)) (to be completed by respondent):*

Please see number 3 on the attachment.

3. **Background** *(To be completed by creditor)*

- a. Date petition filed: 05/23/13 Current Chapter: 7 (7 or 13)  
If 13, current plan date \_\_\_\_\_ Confirmed: ☐ Yes ☐ No  
If 13, treatment of creditor's prepetition claim(s) in plan:

If 7, debtor ☐ has ☐ has not stated on Local Form (LBF) #521 or #521.05 that debtor intends to surrender the collateral.

- b. Creditor has a lien on the collateral by virtue of (check all applicable sections and also see ¶6 below):

- ☐ Security agreement, trust deed or land sale contract dated \_\_\_\_\_, and, if applicable, an assignment of said interest to creditor. The security interest was perfected as required by applicable law on \_\_\_\_\_.
- ☐ Retail installment contract dated \_\_\_\_\_, and, if applicable, an assignment of said interest to creditor. The security interest was perfected on the certificate of title on \_\_\_\_\_.
- ☒ Other (describe):

Creditor is landlord of residential home occupied by debtor. Creditor seeking possession only.

**RESPONSE** *(Identify any disputed items and specify the pertinent facts) (to be completed by respondent):*

MR. COLVIN, has lived in the property since 10/25/11 and has done all repairs and maintaining the property using his own money and material for repairs.

4. **Request for Relief from Codebtor Stay** *(Only Chapter 13)*

- a. \_\_\_\_\_, whose address is \_\_\_\_\_  
\_\_\_\_\_, is a codebtor on the obligation described above, but is not a debtor in this bankruptcy.
- b. Creditor should be granted relief from the codebtor stay because (check all applicable boxes): ☐ codebtor received the consideration for the claim held by creditor, ☐ debtor's plan does not propose to pay creditor's claim in full, ☐ creditor's interest would be irreparably harmed by continuation of the codebtor stay as a result of the default(s) described above and/or ☐ because:

**RESPONSE** (Identify any disputed items and specify the pertinent facts) (to be completed by respondent):

Please See attachment's for response to Peter Hoffman, allegations:

**5. Other Pertinent Information** (To be completed by creditor, if applicable):

**RESPONSE** (Identify any disputed items and specify the pertinent facts) (to be completed by respondent):

**6. Relief Requested (check all applicable sections):** (To be completed by creditor)

- ☐ Creditor requests relief from the automatic stay to allow it to foreclose its lien on the above identified collateral, and, if necessary, to take appropriate action to obtain possession of the collateral.
- ☐ Creditor has a security interest in real property and requests relief from stay with respect to an act against such property and that the relief be binding in any other bankruptcy case purporting to affect such real property filed not later than 2 years after the date of the entry of an order granting this motion. (If you check this box, you must complete ¶15 above to support this request. If you do not do so, the Court will not grant relief binding in any other bankruptcy case.)
- ☐ Creditor requests that the 14-day stay provided by FRBP 4001(a)(3) be waived based on the following cause:

☒ Other (describe and explain cause):

Creditor requests relief from the automatic stay to continue with a forcible entry and detainer action.

**RESPONSE** (Identify any disputed items and specify the pertinent facts. If respondent agrees to some relief, attach a proposed order using Local Form (LBF) #720.90 available at [www.orb.uscourts.gov](http://www.orb.uscourts.gov) under Rules & Forms/Local Bankruptcy Forms (LBF)) (to be completed by respondent):

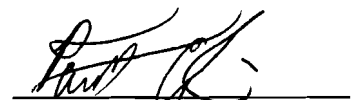
MR. COLVIN, has paid MAY 2013 rent and is requesting the court to keep in place the automatic stay while his case is in progress.

Respondent Parnell Colvin requests:

1. The court to keep in place the automatic stay while is case is in progress. Mr. Hoffman and his attorney are knowingly and intentionally making false statements to the court in a attempt to mislead the court. Mr. Colvin, rent is due on the 12<sup>th</sup> of each month and the rent is \$1500.00 a month May rent for 2013 was paid in full. Mr. Clovin has submitted the money order's receipt for \$1500.00 for May 12<sup>th</sup>, 2013. *please see attachment.*
2. Mr. Hoffman also allege a debt of \$1270.00. Mr. Colvin, is not aware of what this debt is for.
3. Mr. Hoffman and his attorney again make false claim in regards to landscaping fee. Mr. Colvin, has lived at the property at 20325 SW Appy Ct. Beaverton, OR 97007 since October 25, 2011. Mr. Hoffman just purchased the property on April 4, 2013 to date all repairs and landscaping have been done by Mr. Colvin. In the instance Mr. Hoffman is misleading the court along with his attorney by giving the impression that Mr. Hoffman has done landscaping and is entitled to these fees which he has not done. I ask the court to ask Mr. Hoffman and his attorney to produce documentation and a invoice that would validate and support their claim.

In closing I request the court to keep in place the automatic stay until my case is discharged. If not Mr. Hoffman and his attorney will go to State Court and make these same false allegations in a attempt to evict which would be unfair and unjust.

Date: 6/11/2013



Parnell Colvin

# MAY Rent receipts for 2013

2

MoneyGram

PLEASE READ REVERSE SIDE

DATE/AMOUNT

05/17/2013

150 YN \$500.00

95210000180557

Rent

KEEP A COPY OF THIS STUB FOR YOUR RECORDS/ MANTENGA UNA COPIA DE ESTE RECIBO PARA SUS ARCHIVOS

EMPLOYEE

715 (8/12) 700/14000 M 99686-T

▼ DETACH HERE ▼

1

MoneyGram

PLEASE READ REVERSE SIDE

DATE/AMOUNT

05/18/2013

179 YN \$500.00

95210000180557

Rent

KEEP A COPY OF THIS STUB FOR YOUR RECORDS/ MANTENGA UNA COPIA DE ESTE RECIBO PARA SUS ARCHIVOS

EMPLOYEE

715 (8/12) 700/14000 M 99686-T

▼ DETACH HERE ▼

3

MoneyGram

PLEASE READ REVERSE SIDE

DATE/AMOUNT

05/17/2013

150 YN \$500.00

95210000180557

Rent

KEEP A COPY OF THIS STUB FOR YOUR RECORDS/ MANTENGA UNA COPIA DE ESTE RECIBO PARA SUS ARCHIVOS

EMPLOYEE

715 (8/12) 700/14000 M 99686-T

▼ DETACH HERE ▼